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memo	Lee White to the President with attachment	9-2-65	C
note	Nicholas deB. Katzenbach to Lee C. White with attachment	7-10-64	C
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		<i>refiled to open files 10/6/03 JK</i>	

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SMALL BUSINESS ADMINISTRATION
WASHINGTON

Feb 11

OFFICE OF THE ADMINISTRATOR

April 11, 1963

MEMORANDUM TO LEE WHITE

Lee, the attached is with further reference to the material I sent you regarding this Agency's activities in Mississippi.

You realize, of course, that it is being sent in confidence as you requested, and that it is the opinion of my General Counsel.

Regards,

John

John Horne

UNITED STATES GOVERNMENT

Memorandum

TO : John E. Horne
Administrator

DATE: April 11, 1963

FROM : *Fredric T. Suss*
Fredric T. Suss
General Counsel

SUBJECT: President's Authority to Prohibit SBA Financial Assistance
in a Given State

The President has a constitutional obligation to see that the laws are faithfully executed. U.S. Const., art. II, sec. 3. But the President may not exercise any power which cannot be fairly and reasonably traced to some specific grant of power, or justly implied and included within such grant, and such grant must be either in the Constitution or in an act of Congress. Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579 (1952). To put it another way, "the power to execute the laws starts and ends with the laws Congress has enacted." Youngstown case, p. 633, Douglas, J. concurring and citing Justices Black and Frankfurter.

The President has no power to add to, or subtract from the duties imposed upon subordinate executive and administrative officers by the law. 19 Op. A.G. 686. The President's sphere of duty is to execute, not to make the laws. Ex parte Milligan, 4 Wall. 2, 121 (1866).

The question then is not really what the President can or cannot do in the abstract but what can be done under the authority of the statutes which we administer. If the authority can reasonably be found in our legislation, then the President can presumably act pursuant to his responsibility under section 4(a) of the Small Business Act for "direction and supervision" of the Agency. Or, since the assistance in question may involve general lending policies, he could operate through the Loan Policy Board over whose membership he may exercise some control by virtue of his power of appointment. On the other hand, he could act simply through the Administrator over whose tenure of office he also has absolute control.

Under this view, it becomes important to know the purpose of the proposed action. The evil which such action is intended to counter must be one which prevents the accomplishment of a purpose, policy, or responsibility expressed or implied in our legislation which, I think it safe to assume, was intended by Congress to operate without internal U.S. geographical limitations.

In other words, we would have to ask ourselves such questions as whether the existence of the evil in a given area is such as to tend generally to make SBA loans in such area unsound or inadequately secured? (The likelihood of civil strife, Federal intervention, and martial law, for example, might be deemed to have that tendency.) It seems to me that extensive findings of fact would have to be made to support affirmative answers to these questions.

Moreover, the measures contemplated would have to be reasonably calculated to achieve the purposes, policies, and responsibilities set forth in our statute. But exploration of the connection between the contemplated measures and the ends of our statutes could not be accomplished without also a consideration of whether an arbitrary classification singling out one limited geographical area may not have been created. Unreasonable classifications by State action are usually held to be a form of discrimination not allowed under the "equal protection of the laws" clause of the 14th Amendment to the U. S. Constitution.

Federal action would, of course, be subject to the due process clause of the 5th Amendment which does not contain an "equal protection" clause. But in Bolling v. Sharpe, 347 U.S. 497 (1954), racial segregation in the public schools of the District of Columbia was held to be a denial of due process of law guaranteed by the 5th Amendment to the Constitution. The Court pointed out that the "equal protection of the laws" clause of the 14th Amendment is a more explicit safeguard of prohibited unfairness than "due process of law." But even though the Court disclaims any implication that the two phrases are always interchangeable, it recognizes that "discrimination may be so unjustifiable as to be violative of due process."

Discriminations which are objectionable are those in which persons engaged in a similar business are subject to different restrictions or are not entitled to the same privileges under the same conditions. Soon Hing v. Crowley, 113 U.S. 703, 709; Mpls. & St.L.Ry.Co. v. Beckwith, 129 U.S. 26, 30. This is the kind of problem we find in so-called class legislation where the rule is that a classification must be based upon a difference which bears a reasonable and just relation to its purpose and that it cannot be arbitrary.

As pointed out above, our legislation is unquestionably intended to operate nationwide without limitation on geographical grounds. We are bound to deal with the intended beneficiaries of our legislation wherever they may be found.

If the President or the Administrator now determines that no SBA financial assistance is to be given to applicants located in State X, he may not in so doing establish unreasonable or arbitrary classifications.

There is little doubt that in withholding financial assistance to businesses and others in State X which is available to businesses and others in the other 49 States, SBA would be establishing a separate classification for these potential beneficiaries of SBA assistance solely because they are located in State X. In my opinion, there would have to be a fairly clear showing that the evil which endangers the successful accomplishment of the purposes, policies, and responsibilities under our legislation does not exist in a way to endanger our programs similarly in other jurisdictions in which SBA assistance is given. Otherwise, the separate classification of State X would not withstand attack on Constitutional grounds.

In summary, we can say that the President cannot legislate. Since neither of our Acts is limited geographically to certain States, the withholding of SBA financial assistance in any one State would be legislating unless certain conditions existing in that area made it unlikely that the purposes, policies, and responsibilities expressed or implied in our legislation could be successfully accomplished. It would, however, also have to be shown that such conditions did not exist in other jurisdictions where SBA financial assistance was not withheld.

File
CR

June 17, 1964

MEMORANDUM FOR

Burke Marshall
Assistant Attorney General
Department of Justice

The President is aware that he will be faced with questions concerning the Mississippi voter registration program and has asked for adequate information with which to respond. I would appreciate it therefore if we could have at your earliest convenience replies to the following questions plus any additional information you believe bears on the problem:

1. Under what conditions can Federal marshals or Federal troops be sent in to Mississippi to protect the college students from bodily harm or harrassment?
2. What has the Justice Department, the FBI, or the entire Federal government done so far by way of preparing for what appears to be a highly explosive situation?
3. What additional steps are contemplated?
4. Have all of the necessary preliminary actions been thought through so that at the very first outbreak of difficulties the President will be prepared to act?
5. What are the various alternatives that will be available to the Federal government in the event of widespread disorders?
6. Are there any steps that the President could consider taking between now and the first outbreak of violence?

7. Are there any precedents to guide us in this situation -- that is, is the University of Mississippi case analogous?
8. In addition to any ~~problem~~ or formal steps that may have been taken have we been able to establish any informal liaison with state or local law enforcement people? If not, is there any hope that this could be a possible avenue of assistance?

Lee C. White
Associate Special Counsel
to the President

JUL 1 1964

MEMORANDUM FOR THE PRESIDENT

Re: Use of Marshals, Troops, and
Other Federal Personnel for Law
Enforcement in Mississippi

There are considerable pressures from civil rights groups and from some Members of Congress to station federal personnel in Mississippi as a method of preventing further acts of violence against civil rights workers there. These proposals range from those which urge, in effect, the occupation of Mississippi by federal troops to those which suggest that a modest number of United States marshals or FBI agents be strategically placed to help protect civil rights workers.

All of these proposals raise mixed problems of law, policy, and practicality. The purpose of this memorandum is to clarify those problems.

I -- THE LEGAL BACKGROUND

In general, federal law enforcement efforts have traditionally been designed to supplement and support the efforts of state law enforcement personnel rather than to replace them. Under the Constitution, the States have exclusive jurisdiction over most aspects of law enforcement. While there are many federal criminal statutes, they deal for the most part with specialized matters and have little relevance to the basic problem of maintaining order in the community in the sense of preventing violence. It is State and local law which defines and punishes crimes such as murder, assault, rioting, disturbing the peace, vandalism, and so on, which seldom also involve violations of federal law. As a result in part of this traditional allocation of responsibilities, and in part because of the historic policy against the development of a federal police

force, the federal government is ill equipped -- in terms both of laws and of personnel -- to perform ordinary police functions.

Federal law enforcement personnel have authority only to enforce federal law, and the statutes available to them for use in the Mississippi situation present some technical difficulties. The two statutes most likely to be involved are 18 U.S.C. 241 (conspiracy against rights of citizens) and 18 U.S.C. 242 (deprivation of rights under color of law). Both statutes have been narrowly construed by the Supreme Court. Although it was possible to use section 241 to make the recent arrests in Itta Bena, Mississippi, that was a case involving threats where the threats themselves showed the intent to interfere with the right to vote which is an element of the offense. In the usual case involving an act of violence, such evidence can usually be secured only by painstaking investigation. The second statute, section 242, applies to acts of State or local officials, done "under color of law," and requires a showing that the act was done with a "specific intent" to deprive the victim of a constitutional right. It is, therefore, difficult to secure the necessary evidence to gain a conviction under section 242 even in what seem to be flagrant cases.

What has been said does not mean that there would be any specific legal objection to sending federal civilian personnel to guard against possible violations of federal law. Both United States marshals and agents of the FBI are authorized by statute to carry firearms and to make arrests without warrant where there is "probable cause" to believe that a federal offense has been committed. And while the prospect is that few convictions could be obtained, it is likely that in many or most instances of violence directed against civil rights workers there would be sufficient cause to investigate and probably enough evidence of a violation of federal law to justify making an arrest.

II -- USE OF CIVILIAN PERSONNEL FOR POLICE OR GUARD DUTIES

There are in the federal service approximately 600 deputy marshals assigned to the 93 judicial districts of the United States. Although they have broad authority to execute federal laws, as noted above, their normal duties are to maintain order in federal courts, serve subpoenas and other documents, maintain custody of federal prisoners undergoing trial, and occasionally to make arrests pursuant to an arrest or indictment.

The Attorney General has the authority to deputize additional persons to serve as federal deputy marshals. He can, therefore, deputize members of the Border Patrol, the Bureau of Prisons, the Alcohol and Tobacco Tax Units of the Internal Revenue Service, or others with law enforcement training. The only limitation on this authority is that he may not deputize personnel of the Army or Air Force. (Oddly, by legislative oversight, this restriction does not technically apply to personnel of the Navy or Marine Corps.)

With respect to the regular deputy marshals, their limited number and the fact that they do not routinely work together as a force in law enforcement activity limit their usefulness for any broad-scale assumption of responsibility for maintaining order. The use of 130 deputy marshals for a period of several days in Oxford, Mississippi, placed a severe strain on the marshal service throughout the Nation and was not notably effective from a law-enforcement point of view. Simply in terms of the number of men required, it would not be feasible to provide protection by marshals to any substantial number of civil rights workers comparable to that provided to James Meredith during the period when he was in Oxford.

For a period of several days during the Oxford crisis the force of deputy marshals on the scene amounted to approximately 400. Some 270 of these were specially deputized prison guards and members of the Border Patrol.

In general, the effectiveness of all marshals in Mississippi would be hampered by their unfamiliarity with the geography and the population of the area. Also, they would be hampered by the absence of power to enforce local law. Local law enforcement personnel are aided in breaking up dangerous situations by their ability to round up groups of people and arrest them on such charges as loitering, disturbing the peace, obstructing traffic, etc. This technique would not, of course, be available to marshals and the fact that conviction is so unlikely under federal law would undermine the effectiveness of arrests generally. Aside from these considerations, there is a whole range of practical problems as to what the marshals' responsibilities would be in various situations, particularly if the civil rights workers who are being protected should insist upon engaging in activities which are regarded by federal authorities as unwise or improper. If federal personnel accompany civil rights workers wherever they go, the federal government will undoubtedly be held responsible by the local population for whatever the civil rights workers see fit to do, regardless of whether the federal government approves or is in a position to control what is done.

There is another practical problem, however, which is the crux of the matter. The experience of the Department in the Oxford, Mississippi, crisis and in the several disturbances in Alabama convinced all those who participated that the most crucial factor in maintaining law and order in a community gripped by racial crisis is the support of State and local law enforcement officers. If they are clearly determined to support law and order, the prospects of violence are considerably reduced. If they encourage violence or abdicate responsibility for law enforcement functions, violence on a substantial scale is virtually certain to occur and the possibility of maintaining order by any means short of the use of federal troops becomes negligible. Once local law enforcement ceases to function in any sizeable area, the number of personnel required to maintain control without the actual use of weapons exceeds

the manpower resources of every branch of the federal service except the military. It is essential, therefore, to encourage State and local law enforcement agencies to carry out their responsibilities and, if at all possible, to avoid using federal personnel in such a way so as to provide an excuse for abandonment of responsibility by such agencies.

If marshals or agents of the Bureau are used in any obvious way as guards in Mississippi, without the active support and cooperation of local officials, local law enforcement will tend to break down. This is not merely because local officials resent the intervention of outsiders, although that is an obvious factor. The fact is that in Mississippi the use of federal law enforcement personnel, particularly marshals, is regarded by the public as provocative and might well give rise to more breaches of the peace than would otherwise occur. Particularly if the civil rights workers involved engage in demonstrations and other mass activities while accompanied by marshals, their function will soon cease to be one of preventing clandestine violence and become one of maintaining public order among considerable numbers of people over a large area. In that situation, our experience is that without the support of local officials the maintenance of order requires the use of troops.

III -- USE OF TROOPS

The federal statutes relevant to the use of military force in connection with civil disturbances are 10 U.S.C. 331-334. Section 331 authorizes the President to supply armed forces at the call of a State legislature or governor to suppress an insurrection. Sections 332 and 333 authorize the President to use the armed forces without a request by State or local authorities in order to enforce federal law. Section 334 provides that whenever the President considers it necessary to use the armed forces pursuant to the three preceding sections of the Code, "he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time."

The purpose of section 331, following the pattern of federal criminal law generally, obviously is to supplement and support State and local law enforcement. Sections 332 and 333, which are quoted in full at the end of this memorandum at tabs A and B, are designed to deal with situations where State and local law enforcement have completely broken down, either because local officials are themselves opposing and obstructing federal law or because they are unable or unwilling to control private groups that are in command of the situation.

Sections 332 and 333 appear on their face to confer broad authority to use troops to enforce federal law generally, whenever the President deems it necessary. They are limited, however, by the Constitution and by tradition. Thus the principal constitutional basis for the use of sections 332 and 333 in connection with racial disturbances is the Fourteenth Amendment, for the only federal law involved in such disturbances is that Amendment and federal statutes or court orders which are directly or indirectly based upon it. The Amendment is, of course, directed against "State action" and does not normally apply to the acts of private persons. Aside from this consideration, the use of military force to execute the laws has traditionally been regarded with disfavor -- as a course of action that can be lawfully and properly pursued only as a last resort. Rich, in The Presidents and Civil Disorder, summarized many precedents as well as much legislative history, policy and tradition when he said:

"Unless there is some special reason which seems to make imperative the immediate use of the troops, or until all efforts to effect a peaceful settlement have failed and violence threatens of a nature beyond the ability of the local and state governments to control, the president is wise to avoid recourse to force. To use the troops only when no other solution seems possible has been the most frequent presidential practice -- a practice the value of which is attested by the fact that it has met with complete success."

For the foregoing reasons, sections 332 and 333 have always been interpreted as requiring, as a prerequisite to action by the President, the conditions described above: that State authorities are either directly involved, by acting or failing to act, in denials of federal rights of a dimension requiring federal military action, or are so helpless in the face of private violence that the private activity has taken on the character of state action. The degree of breakdown in state authority that is required undoubtedly is less where a federal court order is involved, for there the power of the federal government is asserted not simply to enforce the Fourteenth Amendment, but to defend the authority and integrity of the federal courts under the supremacy clause of the Constitution. But where no court order is involved, reliance must be placed on the premise that those engaging in violence are either acting with the approval of State authorities or have, like the Klan in the 1870's, taken over effective control of the area involved.

In every recent use of authority under sections 332 and 333, a court order has been involved. Moreover, the President has noted either that the duly constituted authorities of the State were themselves opposing and obstructing the enforcement of federal law or had declined to provide adequate assurances that law and order would be maintained. Should these conditions not be present, we think the situation must be one which, in the judgment of the President, involves a serious and general breakdown of the authority of State and local government in the area affected.

There are, of course, immense practical problems involved in the use of troops, of which possibly the worst one is that it becomes difficult to find a way to withdraw. Local authorities tend to abdicate all law enforcement responsibility, leaving the troops without adequate legal tools -- short of a declaration of martial law -- to perform routine law enforcement functions for which they have little training.

IV -- CONCLUSION

The group of professors which has publicly taken issue with the statement attributed (inaccurately) to the Attorney General that there was no adequate legal basis for federal law enforcement in Mississippi is hard to dispute. They assume the complete breakdown of State law enforcement as a result of Klan activity and Klan connections with local sheriffs and deputies. On that factual assumption the President could, as a legal matter, invoke the authority of sections 332 and 333. There is, of course, considerable information available that could be used to support that assumption as to some areas in Mississippi. But in view of the extreme seriousness of the use of those sections, I believe that the government should have more evidence than it presently has of the inability of State and local officials to maintain law and order -- as a matter of wisdom as well as of law. Furthermore, vigorous investigation and prosecution where federal crimes are involved may serve, in conjunction with State police action, to forestall the serious breakdown which those sections of the statute contemplate.

As indicated above, the problems of using large numbers of federal civilian law enforcement personnel are more practical than legal. So long as they confine themselves to investigation and prosecution of federal crimes, there is no legal problem. The practical problem is whether their presence serves to aggravate the emotions of the populace or alienate local law enforcement officials. Marshals, in addition to problems of availability and training, would likely aggravate the problem. Increase of FBI personnel, along the lines previously followed, is not likely to have the same result and constitutes the most effective course of action that can be followed at the present time.

Respectfully,

Nicholas deB. Katzenbach
Deputy Attorney General

10 U.S.C. 332.

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

TAB A

10 U.S.C. 333.

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it--

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

TAB B

File
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June 17, 1964

MEMORANDUM FOR

**Burke Marshall
Assistant Attorney General
Department of Justice**

The President is aware that he will be faced with questions concerning the Mississippi voter registration program and has asked for adequate information with which to respond. I would appreciate it therefore if we could have at your earliest convenience replies to the following questions plus any additional information you believe bears on the problem:

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Lee C. White
Associate Special Counsel
to the President

Katzenbach, J.C., The...

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE DEPUTY ATTORNEY GENERAL

WASHINGTON, D. C. 20530

July 1, 1964

*To Lee White
orig in
Central Files*

MEMORANDUM FOR HONORABLE LEE WHITE
SPECIAL ASSISTANT TO THE PRESIDENT

Here is the memorandum for the President which he requested. I am transmitting it through you so you will have an opportunity to read it first and explain anything in it that is not clear, or express any views which you may have which differ from these. As the memorandum indicates, I think it is unwise for the President to publicly state that there is a lack of legal authority, since this forces disputes on the wrong issues.

Sincerely,

Nicholas deB. Katzenbach
Deputy Attorney General

Authority of U.S. Marshalls.

C.R. Marshall

Proposed Schedule of Expenses For The Operation Of The White House
Conference "To Fulfill These Rights"

For the month of December 1965

<u>Personnel</u>	<u>Cost</u>
2 - GS 7 Secretaries	\$1300.00
1 - GS 6 Typist	500.00
Consultants Fees *	
Contract Services & Supplies	
Travel & Per Diem	1500.00 **
Motor Pool (2 cars)	100.00
Transport of Things	25.00
Space Rental (8210 sq. ft. @ 5.71)	3907.00
Printing	500.00
Contract Services	1000.00 ***
Communications	2000.00
Office Supplies	500.00
Contingencies	668.00 ****
Total	<u>12000.00</u>

*

Fees for consultants to perform the required services to prepare, submit, revise and finalize reports have been included in previously allotted funds.

**

Contemplate thirteen round trips to New York City, four round trips to Atlanta and one round trip to Philadelphia.

Provides for possibility of commercial printing, xerox machine operation and manpower in the event GS employees are unavailable.

Includes newspaper subscriptions and provides for the possible requirement to pay for travel and expense of representatives of groups to attend meetings.

XEROX FROM QUICK COPY
8-23-72

July 1, 1964

MEMORANDUM FOR HONORABLE GEORGE REEDY

This is a copy of a memorandum prepared for the President for background use on the problems of using federal people in Mississippi. I thought it might be helpful to you and further your understanding of the sorts of problems involved. I am inclined to think it is a mistake to rest our position on a lack of legal authority, and I would prefer that the President make public statements of the type that we suggested last Friday, of which you have a copy.

Sincerely,

Nicholas deB. Katzenbach
Deputy Attorney General

OFFICE OF THE
DEPUTY ATTORNEY GENERAL



Miss. file
July 10, 1964

Honorable Lee C. White
Assistant Special Counsel
to the President
The White House

NdeBK

Memorandum

TO : The Files

DATE: July 6, 1964

FROM : Nicholas deB. Katzenbach
Deputy Attorney GeneralSUBJECT: Conversation with Dan H. Shell, Esquire, on Friday and
Saturday, July 3 and 4, 1964.

Mr. Shell, representing Governor Johnson, came to my office about 4:30 p.m. on Friday, July 3. At that time we had a conference at which Courtney Evans, Burke Marshall, and John Doar were also present. At the end of that meeting, which broke up about 6:30, Mr. Shell came out to my house for the night and spent all day Saturday with me, departing on a 6:40 p.m. flight to return to Jackson.

At one time or another the following matters were discussed:

1. We agreed that the FBI would make available to the highway patrol all of the information which the Department had with respect to COFO activities: where they would take place, their nature, how many were involved, etc. I asked Mr. Shell to give me his views as to whether this information should also be made directly available to sheriffs in all or some counties or whether he would prefer to have it channeled through the patrol to the sheriffs.

2. Mr. Shell agreed that he would explore the possibility of setting up a central arrest reporting system so that all sheriffs would report immediately the arrest of any COFO workers to the highway patrol.

3. We expressed an interest in getting whatever information possible on the attitudes of and problems of local law enforcement officials with respect to COFO activities in their jurisdictions. I explained to Mr. Shell that they might talk more freely with highway patrol people than they would with us and we were anxious to know those communities where the activities of COFO would most likely spark violence.

4. We explained to Mr. Shell the importance of highway patrol presence, particularly in those areas where Klan activities were most extensive and where violence was

XEROX FROM QUICK COPY
8-23-73

most likely. We stated that it would be helpful to us if we could have some idea of the plans of the highway patrol and how many people they had assigned to those areas and what the patrol was doing there. He said he would explore the possibility of getting this information for us.

5. In addition, I said we thought it would be helpful if both sheriffs and highway patrol were to surveil after nightfall the areas in which the COFO workers were living so that the fact of their presence would be known to any terrorist groups. Mr. Shell thought the COFO workers would object to this kind of surveillance, and I said that we would undertake to explain that the presence of law enforcement officials was really a protection to them and they should not regard it as a threat.

6. I promised that we would send to Mr. Shell a list of the counties where the sheriff had membership in or strong connections with the Klan. I also agreed that we would give him in detail the instances of flogging, etc., that have taken place over the last three or four months in Mississippi. He asked that such information be sent to him in a plain envelope at his office marked "Personal and Confidential".

7. Mr. Shell agreed that when he had the information referred to in the above paragraph he would see whether it was possible to step up any investigations and prosecutions. He pointed out that the prosecuting attorneys had jurisdiction which extended over several counties, but if the sheriff was not doing his job it might be possible to investigate and prosecute from one of those offices.

8. I pointed out to Mr. Shell the importance of the highway patrol having some central intelligence point and someone responsible for planning deterrent activities. I suggested that, for example, it would be important to assign more highway patrolmen in those areas in which the sheriff had Klan connections, and it would be particularly important to do so if the local highway patrol representative also had Klan connections.

9. I inquired of Mr. Shell whether information on the Klan should be given by the Bureau only to the patrol, and disseminated further by the patrol or whether he wished us to continue to give information to the sheriffs with respect to their deputies. He said he would take this up with the Governor.

10. Mr. Shell said that it was very important that there be no massive testing of the public accommodations law at this time, particularly in small communities. I told him that it was our understanding that there would be no organized efforts of that nature; but, of course, one could not underwrite all of the activities of all the people down there. I also pointed out to him that whatever attitude the Governor took now pending the Constitutionality test he should have in mind that the law would be held constitutional and compliance thereafter would be important and that he would still be Governor.

11. I called to Mr. Shell's attention the complaints about COFO workers being followed in cars without license plates. He said he would look into this but doubted it to be a fact. He pointed out that in Mississippi there is no license plate on the front of a car and that the highway patrol was very tough on cars without license plates since personal property taxes are collected at the time licenses are issued. He also pointed out that people often use the front of their cars to put flags, etc., on and that everybody who worked for Governor Johnson's election is entitled to put on a plate which states "Official Staff" or something of that sort and that such cars were not really official cars.

I think Mr. Shell is trustworthy, at least in connection with the matters which we discussed. I am persuaded that he does not approve of violence and that he honestly believes in resort to the courts and would so advise the Governor. He is, at the same time, an ardent segregationist, an admirer of John Satterfield, (as well as a law partner), a lawyer who participated in the legislative investigation of Ole Miss and its report, and Counsel to the White Citizens Council in Jackson.

I promised Mr. Shell that his visit here would be unpublicized and closely held information since it could embarrass both him and Governor Johnson should it become widely known. He agreed to meet in the future as often as is necessary with me, or Burke Marshall or someone else-- but preferred not to do it in Mississippi.

*File
CR*

July 6, 1964

MEMORANDUM FOR

Mr. Nicholas Katzenbach
Assistant Attorney General
Department of Justice

Attached are two documents supplied by some of the parents of those participating in the Mississippi project. They were sent to me by some of the group that were in Washington last week. I know nothing about the accuracy of the allegations about the Justice Department and FBI personnel, but it may be useful to make sure that all people who have something to do with the project be alerted to lose no time in the event of future incidents.

At any rate, I assumed you would want this material for your files. I contemplate no response or even any acknowledgement.

Lee C. White
Associate Special Counsel
to the President

Attachment

THE PHILADELPHIA, MISSISSIPPI CASE
CHRONOLOGY OF CONTACTS WITH AGENTS OF THE FEDERAL GOV'T.

Lib

SUNDAY, JUNE 21

- 10:00 PM: * H. F. Helgesen, Jackson FBI agent, was contacted by law student Sherwin Kaplan. Helgesen was informed that the party was missing and was given the three names. An investigation was asked for; Helgesen said something like, "Keep me informed of what happens."
- 10:30 PM: A Mr. Schwelb, a Justice Department lawyer, was called from the Meridian COFO office. Schwelb was in Meridian at the time. He was informed of the disappearance of the party.
- 11:00 PM: Jackson COFO called Schwelb at approximately 11:00, but he gave no indication of having taken any action.
- 12:00 PM: Robert Weil from Jackson COFO called Schwelb and gave him the license number of the missing car and further information on the addresses of the missing people. Weil requested an investigation. Schwelb stated that the FBI was not a police force and that he was not yet sure whether any federal offense had occurred; so he could not act. He was informed of the provision in the US code providing for FBI arrests; he still insisted that he did not have authority.
- 12:00 PM: Weil also called Helgesen at this time. Helgesen took in the information curtly and did not allow a chance for further conversation. Weil also called the Mississippi Highway Patrol, with similar results.

MONDAY, JUNE 22

- 1:00 AM: Ron Carver of the Atlanta SNCC office called John Doar of (EDT, 2 hrs. the Justice Department in Washington, D.C., and informed ahead of ed him of the case. He said he was concerned, and asked Mississ- to be kept informed. He said he would look into the case. lppi) He suggested that the Mississippi State Highway Patrol be alerted.
- 3-4:00 AM: John Doar was called again by Atlanta SNCC. He repeated (CST) that he would attempt to see what the Justice Department could do.
- 6:00 AM: On being called again, Doar replied that "I have invested the FBI with the power to look into this matter."
- 7:30 AM: Information concerning the arrest on traffic charges of the three which had been gathered from the Philadelphia jailer's wife was phoned in to the Jackson FBI office. The agent said he would give the information to FBI agent Helgesen, whom we had contacted the night before.
- 8:30 AM: New information from the jailer's wife, Mrs. Herring, to the effect that the three had been released at 6:00 PM, plus the results of phone calls to various neighboring jails were called in to Agent Helgesen. Helgesen said he could do nothing until called by the New Orleans FBI office.
- 9:00 AM: Robert Weil in Jackson called the Highway Patrol. Though they had been called at least four times during the night, they did not seem to know about the case.

*All times are Central Standard Time (CST), except where otherwise indicated.

- 9:15 AM: Attorney Doar was called again at 9:15 from Atlanta and apprised of new developments.
- 11:00 AM: Helgesen was called and given new information reported by some white contacts in Philadelphia to the effect that the three were still in jail at 9:00 PM and appeared to have been beaten, though not seriously. Helgesen said he would "take the necessary action." He said that the alleged beating threw new light on the FBI's role in the case. He said he would call our source.
- 12:00 M: Helgesen was called again. He said that he had only called New Orleans and had not received instructions to investigate.
- 12:15 PM: Atlanta SNCC called Jackson and said they had spoken to Agent Mayner in New Orleans, who had said he had received no orders from Washington.
- 1:00 PM: Meridian informed the Jackson office that Marvin Rich, Public relations director of CORE, and James Farmer, executive director of CORE had contacted FBI Agent Delloch, second in command of the FBI, as well as Lee White, Presidential Assistant, and Burke Marshall, head of the Civil Rights Division of the Justice Department. Rich and Farmer said that if they got no action from the FBI, they would call the President. Meridian also informed us that Farmer in Washington had called the FBI in New Orleans. Henry Wolf, attorney for the Goodman family, called to say that Robert Kennedy had been contacted.
- 1:40 PM: Meridian reported that attempts had been made to call local air force bases to institute an air search, but were unsuccessful. Atlanta SNCC called John Doar; he was speaking on another line. They left word for him to call back.
- 2:10 PM: Our source with the white contacts in Philadelphia reported that as of that hour the FBI had not yet called him, as Helgesen had promised he would two hours earlier. Meridian reported that Marvin Rich was calling the Defense Department to try to institute an air search. Stormy weather developed later in the afternoon in the Meridian-Philadelphia area, however.
- 2:45 PM: Atlanta informed us that calls were made to Burke Marshall and John Doar at 2:30 and 2:45 respectively. Word was left, as the two men could not be reached by phone.
- 2:55 PM: It was reported that reporters had been permitted to go through the Philadelphia jail and were satisfied that the three were not there.
- 3:30 PM: As of this time neither the Atlanta nor the Jackson offices had received any return phone calls from Doar or Marshall, nor did the FBI office in Jackson have any word from them.
- 5:20 PM: Doar called Atlanta. He informed them that the Mississippi Highway Patrol had put out an ALL POINTS ALERT bulletin and that both the sheriff of Neshoba County and the FBI were searching. The sheriff claimed that the trio were last seen heading South on Route 19 toward Meridian.

PHILADELPHIA CASE: FEDERAL CHRONOLOGY, Page 3

- 8:00 PM: Bill Light in Jackson called Agent Helgesen. He was asked five times if the FBI was investigating the case. Five times Helgesen answered, "all inquiries are to be directed to the Justice Department in Washington."
- 8:45 PM: Meridian reported that they called Doar in Washington. Doar was busy. A collect call was placed to Hohn Doar at his home in Washington, from Meridian. He would not accept the call.
- 9:30 PM: Reporters called from Philadelphia that four FBI agents from the New Orleans office were in Philadelphia. No men from the Justice Department were reported. The FBI agents reportedly were talking to people and were planning to launch a road search and investigation in the morning.
- 10:00 PM: UPI reported that Edwin Guthman of the Justice Department in Washington had announced that the FBI was ordered into the case to determine whether the trio were being held against their will or whether there was a violation of civil rights involved.

TEUSDAY, JUNE 23:

- 8:40 AM: Meridian called to say that Marvin Rich had informed them that the Air Force might come by. As of this time, nothing had been heard from them.
- 10:10 AM: Meridian informed us that John Proctor and Harry Saizan, FBI agents, were in the Meridian office. They were investigating, asking questions, and getting photographs of Schwerner. We were told that Nathan Schwerner (Mickey's father) has an appointment with Lee White, Presidential Ass't.
- 1:00 PM: Meridian called to tell us that Marvin Rich had made contact with the White House (with Lee White). He was told that the Naval Air Station near Meridian was available to the FBI for an air search. Rich asked for an FBI head agent out in the field. Rich said he was going to call New Orleans. Meridian informed us that some Meridian citizens with private planes were thinking of conducting their own air search, in case of further defaulting by the Defense Department. One of these people was Negro Charles Young. Newsman Burn Rotman said helicopters are flying around the Philadelphia area. Marvin Rich said that the President was to call back to CORE in New York.
- 2:10 PM: The Naval Air Station near Meridian was called. They said that as far as they knew, no search was being conducted. There were only student flights taking place in the area.
- 2:50 PM: Mr. Henry Wolf, attorney for the Goodmans, called. He said that the Goodmans and Mr. Schwerner, accompanied by Representative William Fitz Ryan of New York and others, had spent over an hour talking to Attorney General Robert Kennedy. Kennedy assured them that all authorities were working on the case and that Navy helicopters were searching the area. He told us that they had an appointment to see Lee White soon afterward.

He also informed us that there was hope that President Johnson would make a statement to the nation.

- 3:55 PM: Meridian heard that local radio station WMOX broadcasted that the FBI had found the car, charred and burned and cold. There was no trace of the missing persons.
- 5:15 PM: Attorney Wolf informed us that Mr. and Mrs. Goodman, Mr. Schwerner, and two congressmen saw President Johnson for about 21 minutes this afternoon. While they were there, they received the news that the car had been found. Johnson assured them that the Federal Government was doing everything it could.
- 5:25 PM: Attorney Larry Warren heard a confirming report on local radio that a Navy Helicopter was being used in the search. The sexton of the Methodist Church which had been burned June 16 in Philadelphia informed us that the FBI had been working on the burning case since Friday, June 19.
- 6:00 PM: WRBC news report on Gov. Johnson's afternoon press conference; Johnson had sent two plainclothesmen into the area to assist the FBI in the search. Gov. Johnson had not called President Johnson or the Justice Department, but he was working with the FBI.
- 7:30 PM: Martin Popper, who is Att'y. Wolf's partner for the Goodmans, called to describe the trip to Washington. On the trip were Mr. and Mrs. Goodman, Mr. Schwerner, Congressmen Ryan and Reed, and Popper. They first went to see Kennedy. Katzenbach, Marshall and others were with him. This visit was apparently the first think on Mr. Kennedy's agenda after his arrival from Massachusetts. Mr. Kennedy told the group that the Department of Justice was doing everything possible, and that he was using the maximum resources available to him, including personal resources. He told them the President also expressed concern. The FBI, according to Mr. Kennedy, was acting on the assumption that this was a kidnapping; it was on this assumption that they are assuming jurisdiction on the case. The parents' group made it clear that the Federal Government must make every effort to: (1) find the boys, and (2) Protect the rest of the workers in the state. They made a special point that what was needed was not just investigation, but protection. Kennedy said that the government was making a statement to Mississippians, urging them to come forward if they had any information. He assured them that they would be protected by the Federal Government. Kennedy said he personally would report to the President on new developments. The group then went to the White House. They met the Presidential assistants Lee White and Myer Feldman. The parents were told there was a possibility that military personell might be used in the search; that Navy helicopters were already being used; that the President had told McNamara to advise J. Edgar Hoover that military personnel were available to Hoover.

Then the President himself saw them and said he was using every available force, including the Justice Department and the Defense Department for this case.

8:00 PM: The President called Goodman at his home in New York. He told him that there was no evidence that bodies had been found, but that tracks had been found leading away from the car. He said he had ordered more FBI and Defense Department personnel to "comb the countryside." Goodman's attorney, Popper, informed us that he had heard that 60% of the FBI on this case are special personnel from the North.

WEDNESDAY, JUNE 24

7:00 AM: Radio report: Allen Dulles, ex-chief of the CIA, is being sent to Mississippi as President Johnson's personal investigator.

8:30 AM: Dulles arrived.

1:00 PM: Meridian informed us that a young boy from Meridian who is often around the office, had seen Mickey and Andy before they had left and remembered what they were wearing. Mickey was wearing a blue shirt, blue jeans and sneakers. Andy was wearing a red shirt. This information was phoned to the FBI in Jackson, as the FBI in Meridian could not be reached.

THURSDAY, JUNE 25.

3:00 PM: Allen Dulles and Tom Finney, representatives of the President, met with leaders of the groups working in Mississippi. Dulles stated his mission was a fact-finding one. The leaders expressed the sense of frustration and isolation felt by Negroes because of police and civilian brutality of the state and the seeming unwillingness of the Federal Government to do anything about it. Dulles said he had been under the impression that the situation was improving in Mississippi, especially in the area of Education. The leaders told him all visitors were given that sort of brainwashing. They related to Dulles and Finney examples of incidents where police were involved with local citizens in committing atrocities.

Mr. Dulles was also told of the dangerous situations in various parts of the state, and was told what the leaders were demanding of the Federal Government: A. The president should meet with local leaders, as he has already been requested several times to do. B. That the Civil Rights Commission should immediately hold full hearings in the state of Mississippi. C. That the President should see to it that new Federal Judgeships were filled by men of integrity and fairness. D. Government officials should not publically state that they cannot protect people. E. There should be Marshalls and FBI Mobilized in all potentially dangerous areas.

4:15 PM: After waiting 45 minutes, Mrs. Mickey Schwerner was finally able to confer with Dulles, who said he had another meeting to attend. He expressed his sympathy. Mrs Schwerner replied, "I don't want your sympathy. I want much, much more."

TO: PARENTS OF ALL MISSISSIPPI SUMMER VOLUNTEERS

FROM: COFO, 1017 LYNCH STREET, JACKSON, MISSISSIPPI

Immediate action is needed by all those concerned with the safety of the Mississippi Summer Volunteers. Unless the President and the Attorney General can be convinced of the need for Federal protection of civil rights workers in Mississippi, the events of Philadelphia are almost certain to be repeated over and over again in the next two months.

We are asking all parents to use their influence in the coming week to pressure President Johnson and Attorney General Kennedy into a commitment to protect workers before violence occurs, instead of waiting until the worst has happened before they offer their help. To help you understand what can be done, it is necessary to stress the following points:

The mood of Mississippi today is one of mounting tension. Acts of violence or near violence are increasing. We have enclosed a two-page report on incidents from one twenty-four hour period. The 16 incidents in the report show that violence is not limited to any section of the state and that intimidation takes an unlimited variety of forms.

The Federal Government did not act quickly enough in the Philadelphia case. We are enclosing a chronology of the attempts of COFO to obtain an FBI investigation or other Federal aid in the Philadelphia incident. This report shows that it took 24 hours - undoubtedly the critical 24 hours - to get the Federal Government to act. FBI agents in Mississippi are always white, generally Southern, and usually from Mississippi itself. Like local law enforcement officers, these agents often serve to obstruct, rather than aid, the administration of justice in civil rights cases. The enclosed chronology deals only with Federal contacts; local police changed their story continually and were useless in the attempt to locate the missing persons.

The Federal Government does have the ability to act quickly and effectively in support of civil rights. The third enclosure lists some provisions for Federal action in civil rights cases. It shows that the FBI does in fact have the necessary authority to provide protection for civil rights workers. Moreover, the President could act on executive authority to provide further protection, for instance through the appointment of Federal Marshalls.

On the reverse side of this sheet, an incident in Itta Bena is described. In this case, the FBI did help protect Summer Volunteers, and actually arrested three white men who had threatened Summer Project workers. The Itta Bena incident shows that the proper Federal agencies can act effectively when they choose to do so. The difference in the role played by the Federal Government in the Philadelphia and Itta Bena incidents was due not to differences in Federal authority, but resulted from the pressure of private citizens on the Government in the last few days.

It is difficult to stress sufficiently the urgency of our request. Without immediate action, the lives of civil rights workers will be further and senselessly endangered; and we will have failed in one of our primary goals: to offer some semblance of protection to the Negroes of Mississippi, who have suffered for decades from the kind of incident which occurred in Philadelphia.

For instance, there have been five 'unsolved' murders of Negroes in the southwest part of the state since the beginning of the year. These murders received no national publicity until the beginning of the Mississippi Summer Project. Only our presence in Mississippi ensures the continued concern of the nation for the Negroes of that state, and the chance that the Federal Government will move effectively to provide protection for their lives and civil rights.

For this reason, in spite of the danger involved, we are fully committed to continuing the Mississippi Summer Project. This does not mean that we will attempt to provoke the state. Our program remains what it has been from its first inception: an attempt to bring educational and political opportunity to Mississippi's Negroes, where they have never had these things before.

Our workers will participate in voter registration projects and will teach in Freedom Schools and Community Centers. We are specifically avoiding any demonstrations for integrated facilities, as we do not feel the state is ready to permit such activity at this time. All workers, staff and Summer Volunteers alike, are pledged to non-violence in all situations.

As a further precaution, we are limiting work to a small area around each project center. All Summer Volunteers have gone through an intensive training session on conditions in Mississippi and the responses and actions they should take to allow them to work most safely in the state. A large legal staff is being maintained in the state to help those who get in trouble.

We are asking that movement at night be kept to a minimum. We are continuing a check-in system which allowed us to know almost immediately that the Philadelphia party was missing. However, though all precautions will be taken, we are determined to continue our work; and we need your help. We request that you do the following things:

1. Contact local papers and radio and TV stations and make certain that the full story about Mississippi is being carried in your community. Use the enclosed documents and the and the experiences of your own children in Mississippi to indicate the goals of the Summer Project and the continued resistance it is certain to meet. Stress in particular the need for Federal protection.
2. Contact the President, and Attorney General, and your own state and national representatives and demand immediate Federal protection for all people in Mississippi. Organize friends and relatives to make the same demand.

We are asking the following three things from the Federal Government:

1. That Federal Marshalls be stationed throughout the state. These Marshalls should be present in all cases where violence is likely. They should be clearly empowered to make all necessary arrests, including the arrest of law enforcement officers. They should be on call at any hour of the day when civil rights workers feel they are endangered.
2. That the FBI and Justice Department officials be instructed to provide full and immediate help in all incidents where danger is involved. FBI agents should use their power of arrest. Even more important, they should investigate immediately when so requested.
3. That President Johnson confer immediately with COFO leaders. This meeting has been requested several times in the last two months. The President declined to meet with COFO representatives, though they predicted that violence would occur early in the summer if Federal aid were not forthcoming.

The choice before Americans this summer seems very clear. They can either accept at face value the statements of the Attorney General that the Federal Government does not have sufficient power to protect the citizens of the country within its own borders - in which case the consequences will fall on those of us who live and work in Mississippi. Or they can use the influence and power they have over their own government to ensure that the events of Philadelphia are not repeated within the coming hours and days in Mississippi.

Robert Moses

Director
Mississippi Summer Project

File
ch

September 23, 1964

MEMORANDUM FOR

Jack Valenti

Subject: Request for Meeting with the President by McComb,
Mississippi Bombing Victims

You will recall our conversation about these three women whose homes were bombed in McComb and their desire to meet with the President. Yesterday morning Burke Marshall, John Doar (his first assistant and well-known in Mississippi) and I met with the three women and some representatives from the National Council of Churches, the Council of Federated Organizations (COFO) and SNCC. It was very difficult to give them very much comfort although there were a few specific things that could be given to them: the fact that consideration is being given to opening a branch FBI office in McComb and possibly a small group of Justice Department lawyers will be detailed there in connection with the registration and voting responsibilities of the Department. This could provide some additional "federal interest and presence."

The Council of Churches spokesmen argued strenuously that the President should meet these women to give the Negro community in McComb some reason for encouragement and at the same time let the white community know that the spotlight of national attention was on them.

I indicated that the President's schedule was exceptionally difficult during this campaign period, that there is not anyone with a problem that does not believe that five minutes with the President would be helpful and that quite honestly we had great confidence in the way the Justice Department and the FBI were handling their responsibilities. I did, however, promise that I would check and give them a definite word.

I do not believe that the President should see them although there will undoubtedly be some slight adverse reaction and publicity. I discussed this with Burke Marshall and Louis Martin and both agree that there is no political benefit in meeting with these people and that as serious and as moving as the problem is in McComb, this is not the right time to use the President for this purpose.

Lee C. White

FORM CD-14 (3-9-59)		U.S. DEPT. OF COMM.	DATE
TRANSMITTAL SLIP			
TO: Mr. Lee White		REF. NO. OR ROOM, BLDG.	
FROM: Governor Collins		REF. NO. OR ROOM, BLDG.	
ACTION			
<input type="checkbox"/> NOTE AND FILE		<input type="checkbox"/> PER OUR CONVERSATION	
<input type="checkbox"/> NOTE AND RETURN TO ME		<input type="checkbox"/> PER YOUR REQUEST	
<input type="checkbox"/> RETURN WITH MORE DETAILS		<input type="checkbox"/> FOR YOUR APPROVAL	
<input type="checkbox"/> NOTE AND SEE ME ABOUT THIS		<input type="checkbox"/> FOR YOUR INFORMATION	
<input type="checkbox"/> PLEASE ANSWER		<input type="checkbox"/> FOR YOUR COMMENTS	
<input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE		<input type="checkbox"/> SIGNATURE	
<input type="checkbox"/> TAKE APPROPRIATE ACTION		<input type="checkbox"/> INVESTIGATE AND REPORT	
COMMENTS:			
<p>For your information.</p>			

Memorandum

TO : Governor Collins

DATE: October 2, 1964

J.A.G.
FROM : John A. Griffin

In reply refer to:

SUBJECT: Report on McComb, Mississippi

The following report is based in some large part on intelligence obtained in confidential interviews with white and Negro leaders in business, government, and the professions; with one avowed member of the KKK, and one representative of the Council of Confederate Organizations (COFO). Mr. Jerome K. Heilbron and I were in McComb from September 27 until September 30, 1964.

All of us in the Service were uncertain about how we would be received in McComb. While it is true that at first sight there was some reluctance and distrust, this was dispelled. When we were asked about our credentials, we took full advantage of our ties with the Department of Commerce and pointed out that the Department is interested in the business climate as well as race relations. This helped provide acceptance for our mission.

McComb has been deeply affected by the 16 bombings and the burning of churches which have taken place there this summer. The effect has been considerable community tension, increased fragmentation in both the Negro and white communities, increased distance between whites and Negroes (particularly the leadership groups), and extensive feelings of fear, frustration, and anxiety among many citizens. These tensions have been felt, not only by top leaders of both races, but also by many other residents--even children, especially Negro children of high school age. White leaders are fearful of the possibility of martial law and the effect it would leave on the town. These general conditions have affected not only the emotional and socio-psychological dimensions of community life, but also its economic and business activities.



BUY U.S. SAVINGS BONDS REGULARLY ON THE PAYROLL SAVINGS PLAN

The increasing concern of white leaders for the situation came to a climax on Sunday, September 27, when 4 or 5 white leaders established a fund of \$5,000 to be used as reward money for information leading to convictions, and also as funds to buy information. Others are now contributing to the fund. This reward was announced in the McComb Enterprise-Journal on September 28. Law enforcement has been complicated by a number of factors--such as the small size of the police force and the sheriff's forces, probable infiltration of the McComb police force by subversive groups, and by lack of leadership on the part of some of the publicly-elected officials. One of the reasons widely given for this is the identification or sympathy of some of these leaders with subversive organizations and other groups such as the White Citizens Council and the Society for the Preservation of the White Race.

In our conference with white leaders we were able to encourage them to insist on more effective policing and the purging of subversives. We strongly urged the re-establishment of communications with Negro spokesmen. We also encouraged certain other steps to exercise an even larger sense of responsibility.

Among the specific suggestions we made that were well received was the recommendation of the publication of an advertisement calling for law and order and signed by as many leading citizens as possible--the larger the number the less pressure on individuals. We pointed out to individuals who have not wanted to become "involved" that they are already involved and that the best course is to speak out for law and order. Among lawyers we stressed the need for the bar to encourage members to take cases of Negroes arrested in race relations and civil rights activities.

In a meeting on September 29, the local bar association discussed its responsibility for representing Negroes charged in racial incidents. This group also has before it further resolutions aimed at strengthening the bar's recognition of its own responsibility.

In the Negro community we found that the anxiety about the bombings were so great that at night Negroes have been guarding their places of business and their homes, despite the fact that a normal workload has to be carried on during the day. Here we attempted to make it clear that white leaders are concerned about the bombings and are making some efforts to stop them. We urged Negro leaders to cooperate in any effort toward reestablishing communications with the white community.

We found among the older leaders in the Negro community the same kind of pride and affection for McComb as was found among white leaders. Some of these Negroes are showing a remarkable degree of courage in the face of the very real dangers. They do not want to be forced to leave McComb but want restoration of law and order so they can live at peace and harmony with their white neighbors, and at the same time exercise their elementary rights of American citizenship--such as the right to register and vote.

The focal point of the white community's anger is the continuing presence of two "Freedom Houses" sponsored by COFO. The fact that these houses, located in the Negro residential areas, are staffed by young whites and young Negroes of both sexes is deeply resented by the white community. Many Negroes, particularly older persons, have been confused by the presence of COFO and have been reluctant to be associated with it. Nonetheless, some of the Negro leaders declared that they declined to sign a petition asking the group to leave, for they think that it had served some important purpose in focusing attention on some of the problems of McComb.

Among our interviews were contacts with certain persons known to be identified with the Ku Klux Klan. At least one of these freely admitted his connection but claimed that the bombings had not been the work of the Klan. Incidentally, he gave me a copy of "All Americans Move Forward", a campaign piece published by the Democratic National Committee. This is a fine pamphlet and the fact that it would be used to "smear" President Johnson is one of the real ironies of our present struggle.

In attempting to evaluate the effectiveness of our interviews and conferences in McComb, we concluded that we had arrived there at a propitious time because of the fact that the white leadership had reached the point where individuals were willing to take some risks and to speak out. Thus, our role was to encourage and support these white leaders in the efforts which they are finally willing to undertake, and at the same time to reassure the Negro community of the concern of the whites. Furthermore, we were able, I believe, to express for the Service and for the Government, a concern that was non-threatening but supportive.

The troubles in McComb are far from over, even with the announcement by Governor Johnson and Mr. J. Edgar Hoover on October 1st that three men have been arrested in connection with the bombings. This city will have troubles for a long time, but it is possible that the events of this summer and fall may well have served to mark the beginning of better race relations there.

Finally, I believe this brief field experience in one of the most difficult situations serves to show, in a modest way at least, that there is an appropriate place for the Service in the Nation at this time. Our limited experience affirms the judgment of the Department of Justice and the Administration that another agency with a larger and more flexible jurisdiction is needed to perform some of the community services that Justice had found important but which it was handicapped in providing due to its limited jurisdiction and the fixed association of Justice in the public mind with strong court actions.

UPI-143

(RACIAL)

WASHINGTON.--THREE MISSISSIPPI NEGRO WOMEN SAID TODAY PRESIDENT JOHNSON TOLD THEM RACIAL BOMBINGS IN SOUTHWEST MISSISSIPPI WILL HAVE TO STOP.

THE WOMEN MET WITH JOHNSON AT THE WHITE HOUSE. THEY SAID JOHNSON CALLED SOUTHWEST MISSISSIPPI "THE WORST PLACE" AS FAR AS RACIAL TENSION AND VIOLENCE ARE CONCERNED AND THEY SAID HE PLEDGED TO INCREASE THE NUMBER OF FEDERAL OFFICIALS IN THE AREA.

HE WAS ALSO SAID TO HAVE PROMISED TO "MAKE A CALL" IN AN EFFORT TO WIN FREEDOM FOR A GROUP OF NEGRO CIVIL RIGHTS ADVOCATES WHO WERE JAILED YESTERDAY AT MACOMB.

THE WOMEN --MRS. ALYNNE QUINN, MRS. ORA BRYANT AND MRS. WILLIE MAE DILLON -- CAME TO WASHINGTON TO SEEK INCREASED FEDERAL PROTECTION.

9/24--JD344PED

UPI-194

ADD 1 RACIAL WASHINGTON (UPI-143)

MRS. BRYANT SAID PRESIDENTIAL ASSISTANT LEE WHITE, THE ONLY OTHER PERSON PRESENT DURING THEIR 20 MINUTE MEETING WITH JOHNSON, SUGGESTED THAT THE FBI OFFICE IN MCCOMB, MISS. MIGHT BE MOVED TO MAKE IT MORE ACCESSIBLE TO NEGROES.

SHE SAID THE FBI OFFICE NOW IS LOCATED IN A MOTEL IN THE WHITE SECTION OF THE CITY AND NEGROES HAVE TO PLACE A CALL THROUGH A SWITCHBOARD TO BE ADMITTED TO THE OFFICE.

"WE FEEL THE OFFICE SHOULD BE LOCATED IN THE NEGRO SECTION WHERE WE CAN GET TO THE AGENTS WITHOUT WHITE PEOPLE KNOWING ABOUT IT," SHE SAID. "MR. WHITE SAID HE THOUGHT THAT WAS A GREAT IDEA."

MRS. QUINN SAID SHE WAS "MUCH MORE CONFIDENT NOW. I FEEL WE WILL GET SOME ACTION."

BUT ALL THREE WOMEN AGREED THAT THE PRESIDENT HAD NOT MADE ANY SPECIFIC PROMISES. "ONLY A BROAD GENERAL PROMISE OF MORE HELP."

THEY SAID THE PRESIDENT DID NOT SPECIFY WHO HE WOULD CALL ABOUT THE CIVIL RIGHTS ADVOCATES IN JAIL OR WHEN HE WOULD PLACE THE CALL.

"WE'RE HOPING TO GO BACK (TO MISSISSIPPI) NOW IF WE CAN STAY THERE WHEN WE GET THERE," MRS. BRYANT SAID. "I MEAN IF WE'RE NOT RUNOUT OF MISSISSIPPI."

9/24--N641PED

*Rec'd
Pres. & Sec.
9-2-65*

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

1267
Civil Rights -
Mississippi

*File
C.A.*

September 2, 1965
Thursday, 3:15 p.m.

FOR THE PRESIDENT
FROM Lee White *lw*

As of 1:00 p.m. today (Thursday) the situation in Natchez appeared to be well under the control of the state and local authorities. According to John Doar the FBI had been in close touch with the Governor's office and every indication is that the Governor is following the matter personally and is anxious to take every right step. Last night at 10:00 p.m. he decided to move Guardsmen into the city and two battalions were moved in during the night.

The demands of Evers appear quite unrealistic and our information is that he is being pressed pretty hard by some of the young bucks from SNCC. Doar has been in touch directly with Evers and is trying to get those who have influence on him to persuade him to adopt a more reasonable position. This is one fellow that Roy Wilkins has absolutely no control over and in fact Roy very nearly refused to come to the signing ceremony for the Voting Rights Bill when he heard Evers had been invited.

There may be some arrests this afternoon and the situation is being followed closely but according to John Doar there is nothing further that could or should be done at this time. He will, of course, keep the White House fully advised.

*in Johnson 9/2
myler*

124

' B U L L E T I N

NATCHEZ (TOPS 111)

NATCHEZ, MISS. (AP)-A FLYING SQUAD OF NATIONAL GUARDSMEN WITH FIXED BAYONETS MOVED INTO THE DOWNTOWN AREA OF NATCHEZ THIS AFTERNOON AS CITY OFFICIALS REJECTED DESEGREGATION DEMANDS MADE BY NEGROES.

SR222PED 9/2

2:34

126

NATCHEZ, MISS.--ADD NATCHEZ RACIAL (124)

CITY OFFICIALS ANNOUNCED REJECTION OF THE NEGROES 12 DEMANDS FOLLOWING A TWO HOUR MEETING WITH REPRESENTATIVES OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.

SEVERAL HUNDRE NEGROES, SINGING SONGS AND CLAPPING, GATHERED AT A NEGRO LEADER'S HOME TO AWAIT WORD ON THE NEGOTIATIONS.

GOV. PAUL JOHNSON ORDERED 650 MISSISSIPPI GUARDSMEN INTO NATCHEZ EARLIER TODAY, SAYING A RIOT WAS IMMINENT.

SR224PED 9/2